

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JONATHAN FISHMAN,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 1:16-cv-362-DBH
)	
BRADLEY WILLIAMS,)	
)	
DEFENDANT)	

**ORDER AFFIRMING RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

On September 6, 2016, the United States Magistrate Judge filed with the court, with copies to the parties, his Recommended Decision on Removal Jurisdiction and Defendant's Failure to Respond to Order to Show Cause. The time within which to file objections expired on September 23, 2016, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

To the extent the defendant's "notice of tampering resulting in bodily harm & malicious arrest," a lengthy document filed on September 15, 2016 (ECF No. 10), is a request for an extension of time to respond to the Report and Recommended Decision for 30 days after his September 1 surgery or until October 7,¹ both those dates have passed. To the extent it is a request for an

¹ "Bradley Williams is under strict doctors orders to neither read nor write for at least 30 more days or until an exam around Oct. 7, 2016 and types this at great peril to his vision, therefore he requires the mercy and indulgence of this court." *Id.* at 2.

open-ended extension,² it is **DENIED**. The filing in no way justifies failure to respond to the Court's July 18, 2016 Order to Show Cause, which had a deadline of July 29, 2016. The defendant's asserted reason for delay now is that he suffered an eye injury on August 31, 2016, but that has no bearing on the earlier missed deadline. Both the lack of subject matter jurisdiction and the defendant's blatant failure to respond to the Court's Order to Show Cause well before August 31, 2016 are obvious. I would remand the case even without the Magistrate Judge's report and recommendation, and I therefore conclude that no further delay is justifiable.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. Because of lack of subject matter jurisdiction and the defendant's failure to respond to the court's Order to Show Cause, the action is **REMANDED** to state court.

SO ORDERED.

DATED THIS 12TH DAY OF OCTOBER, 2016

/s/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

² Williams "requests extensions for the deadlines imposed by the rules of procedure until given permission by Dr. Parnes to read and write again." *Id.* at 2. Obviously the court has no means to measure that proposed extension, and the plaintiff apparently means to leave it within his own control.